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6                   UNITED STATES DISTRICT COURT  
7                   WESTERN DISTRICT OF WASHINGTON  
8                   AT SEATTLE

9                   CORTEZ JONES,

10                  Plaintiff,

11                  v.

12                  SEATTLE CITY HALL

13                  Defendant.

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15                  CASE NO. 2:23-cv-01301-RAJ  
16                  ORDER DENYING IFP  
17                  APPLICATION AND DISMISSING  
18                  CASE WITHOUT PREJUDICE

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20         Pro se Plaintiff, Cortez D. Jones, filed an unsigned complaint alleging “Seattle  
21 City Hall works with Satya Nadella & Ferguson to rob Cortez Duandre Jones Jean Marie  
22 Tritant.” The complaint also names Seattle Police Headquarters, Seattle Police, and  
23 Adrian Diaz and alleges “robbery leading into murder” and “discrimination.” Dkt. 1.  
Plaintiff also seeks to proceed *in forma pauperis* (IFP). *Id.*

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25         Under 28 U.S.C. § 1915(e), the Court must dismiss IFP complaints if “at any  
26 time” it is determined the complaint fails to state a claim upon which relief may be  
27 granted. 28 U.S.C. § 1915(e)(2); *see also id.* § 1915A(b)(1); *Lopez v. Smith*, 203 F.3d

ORDER DENYING IFP APPLICATION AND  
DISMISSING CASE WITHOUT PREJUDICE -

1 1122, 1127 (9th Cir. 2000) (Section 1915(e) applies to all IFP proceedings, not just those  
2 filed by prisoners).

3 Plaintiff does not indicate the legal basis for this Court to consider his complaint.  
4 Assuming Plaintiff is alleging a violation of his federal rights, the Court construes the  
5 action as brought under 42 U.S.C. § 1983. To sustain a § 1983 civil rights claim, Plaintiff  
6 must show (1) he suffered a violation of rights protected by the Constitution or created by  
7 federal statute, and (2) the violation was proximately caused by a person acting under  
8 color of state or federal law. *West v. Atkins*, 487 U.S. 42, 48 (1988); *Crumpton v. Gates*,  
9 947 F.2d 1418, 1420 (9th Cir. 1991). To satisfy the second prong, Plaintiff must allege  
10 facts showing how individually named Defendants caused or personally participated in  
11 causing the harm alleged in the complaint. *Arnold v. IBM*, 637 F.2d 1350, 1355 (9th Cir.  
12 1981). A defendant cannot be held liable solely on the basis of supervisory responsibility  
13 or position. *Monell v. Department of Social Servs., of City of New York*, 436 U.S. 658,  
14 691–94 (1978). Rather, Plaintiff must allege a Defendant’s own conduct violated his civil  
15 rights. *City of Canton, Ohio v. Harris*, 489 U.S. 378, 385–90 (1989).

17 The Court has reviewed Plaintiff’s complaint and DENYS the IFP application and  
18 DISMISSES the case without prejudice for the following reasons. First the complaint  
19 fails to set forth sufficient factual matter to state a claim to relief that is plausible on its  
20 face. *Ashcroft v. Iqbal*, 556 U.S. 662, 664 (2009). Labels and conclusions, lacking factual  
21 enhancement are insufficient. *Id.* The factual allegations must be “enough to raise a right  
22 to relief above the speculative level.” *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555  
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1 (2007). The complaint lists names of potential Defendants but fails to provide any facts  
 2 regarding the acts they allegedly committed that Plaintiff contends violated his rights.

3       Second, the *in forma pauperis* statute accords Judges not only the authority to  
 4 dismiss a claim based on an indisputably meritless legal theory but also the power to  
 5 dismiss claims whose factual contentions are clearly baseless, including allegations that  
 6 are fanciful, fantastic, and delusional. *See Denton v. Hernandez*, 504 U.S. 25, 32 (1992).  
 7 Here, the complaint alleges in a disjointed way a robbery and murder involving the city  
 8 hall, Nadella and Ferguson. These are fantastical allegations subject to dismissal.  
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10       And third, the present complaint is duplicative of other complaints Plaintiff has  
 11 filed. *See e.g., Jones v. Microsoft, et al.*, 23-1297-JHC (Suing Satya Nadella and Bob  
 12 Ferguson – Order Denying IFP issued 8/25/2023); *Jones v. Harell*, 23-1153-RSM (Suing  
 13 City of Seattle, Seattle Police and Seattle City Hall-Order Denying IFP issued 8/21/23).  
 14 Courts have uniformly agreed that, at a minimum, a malicious lawsuit is one that is  
 15 duplicative of another federal lawsuit involving the same plaintiff and defendant. *See,*  
 16 *e.g., McWilliams v. Colorado*, 121 F.3d 573 (10th Cir. 1997) (affirming dismissal of §  
 17 1983 complaint as frivolous where it duplicated a prior federal lawsuit); *Pittman v.*  
 18 *Moore*, 980 F.2d 994, 994–95 (5th Cir. 1993) (affirming dismissal of duplicative  
 19 complaint under pre-PLRA version of 28 U.S.C. § 1915(e)); *Murillo v. Taylor*, 2015  
 20 WL4488060, at \*15–16 (S.D. Cal. July 22, 2015); *Meadows v. Woods*, 156 F.R.D. 165,  
 21 166 (W.D. Tenn 1994) (dismissing complaint as frivolous under pre-PLRA version of 28  
 22 U.S.C. § 1915(e)); *Adams v. California Department of Health Services*, 487 F.3d 684,  
 23 688 (9th Cir. 2007) (“Plaintiffs generally have no right to maintain two separate actions

1 involving the same subject matter at the same time in the same court against the same  
2 defendant.”). The present matter is duplicative of prior suits Plaintiff has already filed in  
3 this Court. The Court accordingly DENIES the IFP application and DISMISSES the  
4 complaint.

5 For the foregoing reasons the Plaintiff’s IFP application is DENIED, and the  
6 complaint is DISMISSED without prejudice. The clerk is directed to close this case.  
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8 DATED this 29th day of August, 2023.  
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10  
11 The Honorable Richard A. Jones  
12 United States District Judge  
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